

# THE TRIAL OF JAS. H. TILLMAN

About Two Hundred Witnesses to Be Heard.

A GREAT ARRAY OF COUNSEL

The Trial Proceeds Rapidly, Although Every Inch of Ground Will Be Vigorously Contested.

The trial of former Lieutenant Governor James H. Tillman for the killing of N. G. Gonzales, formerly editor of The Columbia State, was begun in the regular session of the circuit court for Lexington county, at Lexington, on Monday, September 23. The proceedings of the trial are given from day to day from the stenographer reports of the official court stenographer without color or bias.

Lexington, Special.—James H. Tillman, some time lieutenant governor of South Carolina and charged with the murder of N. G. Gonzales, editor of The State, on the 15th of January last, a few days before the expiration of his term of office, was on Monday placed on trial for his life.

At 11 a. m. Solicitor Thurmond announced the State ready. "We may safely say that we shall be ready, though some of our witnesses are not here yet," said Congressman Croft of Aiken, Tillman's

The solicitor swore Clerk of Court George and introduced the county registration books and on them Parnell's name did not appear.

A lengthy argument ensued. The defense presented testimony that the original registration books had been lost or not returned when used in an election concerning the annexation of a part of this county to Richland county.

Messrs. Croft and Johnstone argued that the name might have been omitted from the books and the State having propounded the question on the voir dire had waived the right to appeal to the books as the highest evidence.

Judge Gary held, however, that to be a legal juror one must be a qualified elector and directed the inquiry to that point. He was about to allow Parnell to go to his home 12 miles distant and search for the certificate when Mr. Thurmond consented to accept his ruling with the evidence in hand.

His honor ruled that taking Parnell's positive statement in connection with the apparent irregularity of the books he would admit him to be sworn whereupon the solicitor excused Parnell and so yielded one of his five challenges. Parnell was the second man drawn, and after his case was disposed of Attorney Graham, as son as the judge entered, rose with a copy of The State in hand and said: "I think it my duty to call to the court's attention an article entitled 'Jugglery With the Courts.'" "I object," interpolated

voice audible throughout the room. He was then granted permission to take a seat with his counsel.

The State had exhausted its challenges when eight or nine had been sworn and the defense had utilized all of its ten before the jury box was full.

Four of the 36, A. D. Fallow, Joel H. Geiger, T. W. Dreher and Simon Corley were excused by the court for one or another cause.

Of the jurymen selected Saylor, Risinger, Leitzey, Koon, Sharpe, Shenacy and Price are farmers; Wood, Lybrand, Corley and Jumper are cotton mill operatives, and Hicks is a carpenter. Wood is a boss of a weave room. The following jurors drawn were challenged by the defense: M. M. Kleckley, Eugene C. Williams, Luther J. Hook, J. Laurence Jumper, John B. Stark, L. O. Wilson, G. M. Lewis, Thos. J. Roof, Geo. W. Derrick.

The following were challenged by the State: John B. Reed, John J. Younginer, Noah H. Taylor, Murray Parnell and J. Eugene Lorick.

Policeman Geo. Boland was the first witness to take the stand when court reconvened and his, with the testimony of other witnesses, is given in the stenographic report below.

Sheriff Coleman was next called, and the prisoner's two pistols were exhibited as was also the prisoner's overcoat.

Clerk of court Walker also testified as to the pistols. Requested to show to the jury how the magazine pistol was operated, Mr. Walker found some difficulty with it. Judge Gary inquired if the pistols were loaded. The bullet with which Mr. Gonzales was mortally wounded was introduced, the defense not admitting that it was such projectile and intimating that possibly

time was the court room uncomfortably crowded. At no time was the least excitement manifest. A stranger would scarcely infer, except from the great array of lawyers, that a case of uncommon interest was engaging the Lexington court of sessions.

## Second Day's Proceedings.

The second day's proceedings in the famous trial of Jas. H. Tillman for the killing of Editor Gonzales showed good progress in the taking of testimony for the prosecution.

One line pursued by the State was with a view to laying the foundation for the introduction of the dying statements of Gonzales. Four of the physicians who officiated in the operation on Mr. Gonzales after he was shot were on the stand today, Drs. Guerry, Pope, Taylor and Griffith, all of Columbia. Much of the testimony of the physicians was technical.

Ambrose E. Gonzales, publisher of The State, and a brother of N. G. Gonzales, was called to the stand when the solicitor offered in evidence the files of The State for the year 1902, the purpose being, as announced by counsel for the State, to introduce the editorials in the State newspaper, of which N. G. Gonzales was editor from July 1, 1902, to December 31, 1902. The editorials in question are in relation to James H. Tillman. Reading of the editorials was postponed that counsel for the defense might read them first.

On cross-examination Mr. Gonzales was asked by counsel for the defense: "The relations between your brother and Mr. Tillman have not been pleas-

One said he was stopping at one place, and some at others, and Colonel Tillman said:

"I don't know that I am stopping anywhere. I stuck those editorials of 'The State' in my pocket and told my wife I might stop at the penitentiary before I left here."

On cross-examination the witness said he did not take the remark seriously. W. F. Steiglitz, a gun-smith in Columbia, when shown the automatic pistol which has been exhibited during the trial, said a call had been made upon him the day before the shooting for a magazine for a pistol like the one shown to him on the stand, but that not having any in stock he repaired the old one, which was called for on the morning of the day before the shooting.

Dr. S. T. B. Lancaster, a member of the Legislature from Spartanburg, testified that he saw a pistol in Mr. Tillman's pocket on the day previous to the shooting. Two boys, C. V. Zimmerman and Francis Smith, swore that they saw a pistol in Tillman's hip pocket on January 12, two days before the shooting.

Objection was raised by the defense to all the testimony as to the weapon the defendant may have carried a day or two previous to the shooting. The testimony was admitted, the court saying that if it developed in the light of further testimony that this was improper the jury would be instructed accordingly.

H. G. Arthur, of Edgefield, said he saw the defendant in Edgefield some time last October. He testified that he was going into livery stable there, when he passed Col. Tillman and another man who were talking together. He said he heard the name of Gonzales mentioned and the sentence: "If any way to get at him."

The witness said he walked on as he knew what they were talking about and he did not want to hear it.

H. S. Dowling, of Bamberg, who was second lieutenant in the Second South Carolina Regiment, commanded by J. H. Tillman and a member of the Legislature, and whose room adjoined Tillman's in a hotel at Columbia, was in the defendant's room on the morning of the day of the shooting, he testified, and they had breakfast together in the room. The witness swore that he saw two pistols on the mantle over the fireplace, one of which was an automatic magazine pistol, and one which attracted attention. He was shown the two pistols which have been exhibited to different witnesses as the ones carried by the defendant. These, he believes to be the same he saw in the room.

Others came into the room that morning before he left, he said, naming them, one of whom loaded the magazine of the automatic pistol and handed it to Mr. Tillman just as witness was leaving the room.

The witness then said he next saw Tillman at the jail after the shooting, when he expressed his regrets that he (Tillman) was in trouble. Tillman asked, he said, if he (witness) knew where he had hit Mr. Gonzales. The witness left the jail and upon ascertaining where the bullet had struck he went back to jail and informed Tillman, when, he said, Tillman replied that, "if he hit where he aimed he sure was a dead man."

## News of the Day.

Despite opposition at Athens, where the press was strongly opposed to the scheme, the municipal council of Corfu has ratified the contract which the mayor of Corfu made with a syndicate of European capitalists to allow the establishment at Corfu of an international gambling casino on an elaborate scale. The casino is to be opened during the coming winter, when the season is in its full swing, and it is said that the Corfu casino will soon become a serious competitor of Monaco.

A new regulation of the Missouri University board of curators has opened a new profession for women. Each society in Columbia living in a chapter house must have a chaperon. She must be a professional, and is to be paid a salary. In addition to this the girls under her charge must provide her with theatre tickets, free rides in livery teams, and see that she has a good time. Her board at the chapter house has to be furnished free and the girls are to be responsible to her for their conduct. This rule, which was adopted at a recent meeting of the curators, will be rigidly enforced.

Senator Depew's "discovery" that Ailes-Bains has named a boulevard after Pierpont Morgan recalls the fact that the Germans have incorporated the name of the great American promoter into the language of the country. The term "morganismus" is currently used in Germany to describe the "trustification" of industry. The corresponding verb is "morganisieren."

Mayor Woodruff, of Peoria, Ill., has decided to enforce the curfew ordinance of that city after receiving a petition from a number of parents. The ordinance has been on the books of Peoria for fifty years, but has not been enforced. Hereafter all persons under 18 years of age must be off the streets after 9 p. m.

The new system of examination for the certification of teachers in Massachusetts is now complete and, in the opinion of the Journal of Education, "the combination of oral and written tests, the balance between scholarship and experience, theory and common sense, is the best yet developed." The objects of these new tests are not to shut people out, but to authorize every one who probably would make a good teacher.

That Mr. John Skelton Williams is to retire from the presidency of the Seaboard is denied in Richmond.

## GONZALES' DYING STATEMENT.

State Gains a Point by Admission of Dead Man's Account of Tragedy.

Lexington, S. C., Special.—The third day of the famous Tillman trial resulted in the introduction of the dying statement of the deceased. The point was hotly contested. Mr. Jas. A. Hoyt, Jr., testified on this point, and was closely cross-examined by the defense.

Dr. C. W. Barron, of Columbia, was at the hospital when Mr. Gonzales was brought there from The State office. He said he asked Mr. Gonzales within ten or fifteen minutes after he had been carried into the hospital:

"N. G., do you understand your condition?"

"I do," the doctor said Gonzales replied, when witness said he asked him the further question:

"Do you understand, N. G., that you will probably die?" The reply being, witness testified, "I do."

The doctor said Mr. Gonzales had no hope of recovery. He considered Gonzales in extremis. Witness said Gonzales made a statement at the hospital which the witness said Gonzales said was a death statement.

Dr. J. W. Babcock, superintendent of the State Insane Hospital, saw Gonzales as he lay on the floor in The State office. He described the location of the bullet wounds, and gave the opinion that it was indicated that the body of a man receiving such wounds was on the point of turning. Dr. Babcock also saw Gonzales at the hospital just after he was received there. Gonzales, he said, made a statement to him which he said he took down in long hand notes. Reading from his notes he said the following were the words of Gonzales, as near as he could take it down:

"He had one man with him who was a particular friend of him, Tal Bird; another man whose face I did not observe. I started for the State House as usual. As I got to the corner of Gervais street I recognized Tillman. I knew if I kept on I would collide with him as they were three abreast, both on the outside. I cut diagonally across to the left, intending to turn the corner into Gervais street, which I could have done without touching the inside man. As I got on the turn, two or three feet from the exact corner, Tillman pulled a pistol he had in his sleeve and fired and made some expression. The shock threw me around against the pillar on Main street. I faced him. He pointed the pistol; I called him coward. He said: 'I took your advice,' or something to that effect; he put his pistol in his pocket and sauntered into the street. I never sent him a message. He said, 'I have taken you at your word.' I suppose he referred to something I said in an editorial in the campaign. He said this after he fired. I had no idea of meeting him. I had seen him two days before in the lobby of the House. The thing was finished as far as I was concerned."

August Kohn, a well known newspaper man, testified that Gonzales said he had sent no message to Tillman.

## Killed By Cave-In.

Columbus, Ga.—While making measurements in a deep trench in a public street here Wednesday afternoon, Superintendent of Public Works Robert L. Johnson and a negro workman, Brad Smith, were killed by a mass of dirt caving in on them. The alarm was given immediately and a force of workmen was sent to rescue the men. While this force was at work, a second cave-in followed, burying seven or eight men. Mayor Chappel ordered the hook and ladder truck of the fire department to the scene with several firemen to help in the work. Quick work saved the lives of five workmen, who were dug out of the trench, but two of them are fatally hurt. The bodies of Johnson and the negro Smith were recovered. The injured men were sent to their homes and physicians are giving them medical attention. Superintendent Johnson was one of the best known civil and municipal engineers in the South. He was formerly engaged in government work. He leaves a wife and four children.

## Not Coming South.

Pine Bluff, Ark., Special.—In response to an invitation to visit the Branch Normal College, colored, here in the event of a Southern tour by him, former President Grover Cleveland has written as follows to Prof. Isaac Fisher, principal of the college. "The reports in the press, indicating that I intend soon to pay a visit to the South are entirely without foundation. I have had no such intention, though I know that I would enjoy such a trip. If it were true that I were to make such a tour and come to the State of Arkansas, I do not know of anything that I would like better than to pay a visit to your school."

## A Match Race.

Memphis, Special.—Secretary Murry Howe, of the Memphis Driving Park Association, announced that arrangements have been concluded whereby Prince Albert, 1:57, and Dan Patch, 1:59, will meet in a match race on the opening day of the grand circuit meeting, which begins October 20. On the second day Lou Dillon, the trotting queen, and Major Delmar, recently purchased by E. E. Smathers, will trot a specially arranged race.

## Bryan to Speak.

Columbus, O., Special.—It is announced that Hon. Wm. J. Bryan will be in Ohio on October 5 to lend assistance to the Democratic cause. He will speak at Napoleon and Oak Harbor during the day, and in Sandusky at night. He had promised to give three days to the Ohio committee, but preparations for his European trip retarded this number to one.



N. G. GONZALES

J. H. TILLMAN

STATE CAPITOL at COLUMBIA, S. C. In front of which Gonzales was shot

leading counsel and Edgefield law partner.

The assemblage in the court room, which, far from crowding, scarcely filled it, could scarcely realize for a moment that the trial would actually begin, so frequent have been the predictions of further delay. Two sessions of court have intervened in Richland since the homicide, the defense obtaining continuances at both and a change of venue at the last. Again the spectators were agreeably disappointed when a jury was secured by 1:15 p. m. from the original panel. It would have been secured in half an hour save for the contest over Murray Parnell.

The hearing of testimony by the State was commenced after the recess. It was mainly confined to Policeman Boland's story of the arrest of Tillman, to the identification of Tillman's pistols by Sheriff Coleman and Clerk of Court Walker, together with the bullet from the German magazine pistol which pierced Mr. Gonzales through and through, and to the identification of clothing worn by him, with its bullet holes, on the day that he was mortally struck, the latter being sworn to by Messrs. Hoyt, Wood and Wallace of The State. Nearly if not all the jurymen were placed on their voir dire, and, without exception, they swore that they had no opinion, and were conscientiously for or against the prisoner, an attitude remarked by some as peculiar in its unanimity, considering the wide publicity the case has received. After Parnell had answered the usual questions the solicitor inquired if he had a registration certificate. He replied affirmatively.

the solicitor. "We are here for the trial of this case and such matter is not proper nor relevant to it."

Judge Gary said: "My impression is that Mr. Graham desires to make a statement in behalf of the Lexington bar, and as such I think it proper to hear him."

Mr. Asbill of the State's counsel addressed the court and said: "I consider myself a member of the Lexington bar and I have heard nothing of a statement on the part of the bar."

—Judge Gary—It would not be proper to hear the statement unless it comes from the whole bar. I so rule.

Mr. Sharpe remarked that it came "from the majority of the Lexington bar."

## THE PRISONER BROUGHT IN.

A recess of half an hour was taken at the solicitor's request during which the prisoner was brought in by Sheriff Caughman. When the solicitor announced the State ready, Mr. Croft inquired, "Is Mr. Ambrose E. Gonzales in court?" and in response to a subpoena duces tecum issued for the defense had he brought the files of the Columbia State from April 15, 1902, to September 15, 1903. Counsel for the State replied affirmatively, and Mr. Croft declared that though some of his witnesses were still absent they would be here and he could safely announce the defense ready.

The prisoner entered the small semi-octagonal dock, which is elevated about 12 inches from the floor, and stood in it for arraignment. On one side stood Mr. Croft and on the other Mr. Nelson. Clerk of Court George read the indictment in a matter of fact way and the prisoner reply to the usual question, said, "not guilty" in a

contray evidence would be offered. Finally, when the witnesses had handed the magazine weapon before the jury, Mr. Johnstone, who was sitting by the prisoner, arose and remarked: "We are informed that that pistol is both cocked and loaded at this moment."

This weapon appeared to be a novelty to the entire court and was eyed with close attention.

## THE FILES.

Mr. Croft requested that the defense be allowed to have the files of the Columbia State, which had been asked for. The solicitor said that they would be tendered at the proper time. Mr. Nelson replied that unless they were given to the defense beforehand, in time to be examined, a delay would be caused when they were introduced. After some further discussion and pleasantries between the lawyers, Mr. Crawford of the prosecution declared that he had no objection to handing them to the defense for the present, so that was agreed upon.

Then the court adjourned until 9:30 a. m. tomorrow.

Mr. Ambrose E. Gonzales, eldest brother of the late editor, was present throughout the day.

Such is an outline of the first day's story. Every point was contested closely as it arose. Brief delays were not infrequent and the indications are that the trial will be long drawn out. At no

ant for some years, have they?" He replied:

"They have not been pleasant."

Mr. Gonzales was asked on further cross-examination by the defense if he had not heard his brother express himself in denunciatory language in regard to Mr. Tillman, to which the witness replied:

"I cannot say I ever heard him use such language in the office. I think everything he said, not everything he knew or believed, but everything he said to his relatives or friends he said in The State newspaper so that the people all could know."

In reply to further questions Mr. Gonzales said he could not say that he knew his brother to have entertained bitter feeling toward J. H. Tillman, nor could he say that he knew his brother's feelings toward the defendant to have been hostile. His brother had been, he said, in control of the editorials, and that his brother wrote them without consultation.

W. B. Gause, a member of the Legislature from Florence county, was asked if he had heard Mr. Tillman when he met him in Columbia during the last session of the Legislature, say anything about Mr. Gonzales' editorials, to which witness replied:

"Yes, sir; I was walking along the street and we met Colonel Tillman about the sky scraper building when the question arose: 'Where are you stopping?'"

## Sharps and Flats.

During the year of 1901-1902 the total amount spent on technical education by local authorities in England and Wales was \$5,286,995. A part of this was raised by special loans for the purpose, but the major part came from moneys allotted from the customs and excise.

A conference between President Roosevelt and the Executive Council of the American Federation of Labor in reference to the attitude of the Administration toward labor unions is expected to take place next Monday.

## No Change in Canal Status.

Washington, Special.—The following bulletin was posted at the State Department: "The Department of State received today at 1:12 p. m. a cable message from Minister Beaupre, dated September 23, 8 p. m. He reports that there has been no change in the situation in respect to the canal matter. A second debate on the bill reported by the committee is expected within a few days, and it is thought it may be defeated. The present outlook is for some amendment of the reported bill."

## Unanimous Opinion.

"You don't say? He doesn't behave as if he belonged to any church."

"Oh! yes; Gayman is a vestryman of our church."

"That's so. He behaves as if the church belonged to him."

## Bulletin Bubbles.

(Philadelphia Bulletin.)

A poor lot—potter's field. In hot weather even a straw hat is felt.

Dead letters do not require a "post" mortem.

An up-to-date newspaper doesn't always wear a stylish wrapper.

A stingy man may hedge and still not be a hedgehog.

When some men get a job they are between two fires.

The anti-foreign feeling in Caracas is growing more intense.

## Notes and Paragraphs.

Victor Emmanuel will pay his postponed visit to Paris between October 12 and 16 next. Great preparations are being made for his coming. As he is well known to be an enthusiast in numismatics, fifty-five medals will be presented to him. Some of these are of great historic value, ranging from the days of Richelieu to those of Carnot, Fauré and Loubet. A few of them commemorate happenings in Italy, such as the restoration of Venice. A special medal will be struck in his honor.